

## **REMARKS**

Applicant respectfully requests reconsideration. Claims 37, 39-45 and 47-56 were previously pending in this application. Claim 40 is amended herein by adding the limitations of claim 37 from which it depended. Claims 37, 39 and 47-53 are canceled. Claims 40-44 and 54-56 are still pending for examination with claims 40 and 54 being independent claims. No new matter has been added.

### **Allowable Claims**

Applicant thanks the Examiner for the indication that claims 54-56 are allowable.

### **Claims Objections**

Claims 40-44 have been objected to because they depend from a rejected claim. Applicant has rewritten claim 40 as an independent claim. It is believed that claims 40-44 are now allowable.

### **Double Patenting**

Claims 37, 39 and 47-53 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 27-31 and 33-39 of U.S. Patent No. 7,576,066. The rejection was maintained because according to the Office MPEP 800 Chart II-B allows for a ODP rejection when different inventions have at least one common inventor and no common assignee.

Although Applicant disagrees with the rejection of record for all of the reasons previously discussed, the rejected claims have been canceled, solely in order to advance prosecution.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. C1039.70083US05.

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Respectfully submitted,

By 

Helen C. Lockhart

Registration No.: 39,248

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

617.646.8000